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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 ENVIRONMENTAL PROTECTION  
12 INFORMATION CENTER,  
13 Plaintiff,

Case No.: 13-02293-MMC

14 vs.

**[PROPOSED] ORDER GRANTING  
YUROK TRIBE'S MOTION TO  
INTERVENE**

15 STAFFORD LEHR, CHARLTON H.  
16 BONHAM, SALLY JEWELL, MICHAEL L.  
17 CONNOR, DAVID MURILLO, U.S.  
18 BUREAU OF RECLAMATION,  
19 Defendants,

20 and

21 YUROK TRIBE, a federally recognized Tribe,  
22 Proposed Defendant-Intervenor

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24 THIS MATTER is before the Court on the motion to intervene of the Proposed  
25 Defendant-Intervenor Yurok Tribe. Plaintiff has filed a statement of non-opposition, the State  
26 Defendants have filed a statement of non-opposition, and the Federal Defendants have not  
27 ~~to intervene until it has had a chance to review. Defendants do not oppose the motion to~~  
28 ~~intervene.~~ filed a response to the motion. Having read and considered the parties' respective written  
submissions, the Court rules as follows.

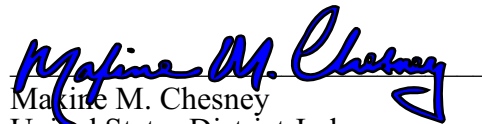
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30 This case arises under the Endangered Species Act, 16 U.S.C. § 1531 *et seq.*, for alleged  
31 violations by Defendants in the funding, operation, and administration of the Trinity River fish  
32 hatchery. This motion to intervene satisfies the four requirements of Federal Rule of Civil  
33 Procedure 24(a) to intervene as of right. The motion was timely filed at an early stage of the  
34 proceedings. The Yurok Tribe claims a significant protectable interest in the Trinity River fish

1 hatchery and the Trinity River fishery, which provides anadromous fish used for Yurok Tribal  
 2 subsistence and cultural purposes. Disposition of this action without the Yurok Tribe may as a  
 3 practical matter impair its federally reserved fishing rights in the Klamath and Trinity River  
 4 fisheries. The applicant is a federally recognized Tribe and its interest is inadequately  
 5 represented by the existing parties.

6 The Court finds that it is appropriate pursuant to Federal Rule of Civil Procedure 24 to  
 7 allow the Yurok Tribe to intervene in this action as a party defendant in order to protect its  
 8 federally reserved fishing rights. Intervention is appropriate pursuant to Rule 24(a) as it appears  
 9 that disposition of the action “as a practical matter” may impair or impede the interests of the  
 10 Yurok Tribe. Alternatively, this request is appropriate pursuant to Rule 24(b) as the request is  
 11 timely, the applicant’s claim or defense shares a common question of law or fact, and  
 12 intervention would not unduly delay or prejudice the adjudication.

13 IT IS HEREBY ORDERED that the Yurok Tribe’s motion to intervene as of right, or  
 14 alternatively with permission, as a defendant in this action is GRANTED.

15 Dated this 25th day of September, 2013.

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 17   
 18 Makine M. Chesney  
 United States District Judge

19  
 20 Respectfully submitted by:

JOHN CORBETT  
 Senior Attorney, Office of the Tribal Attorney

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 22  
 23 /s/ Nathan Voegeli  
 NATHAN VOEGELI  
 Staff Attorney, Office of the Tribal Attorney  
 Attorneys for the Yurok Tribe  
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